



**THE TOWN OF PEMBROKE  
PLANNING BOARD  
1145 Main Rd., Pembroke, NY 14036  
Minutes for the regular meeting held on May 22, 2013**

**ATTENDANCE:**

- Chairman-Thomas Schneider
- Vice Chairman-Michael Herec - Absent
- Richard Kutter
- Michael Bakos
- Linda Rindell
- John Cima
- David Knupfer
- Diane Denton-Acting Recording Secretary

**PUBLIC PRESENT: Yes**

MEETING called to order at 7:30 pm.  
Chairman Schneider led the “Pledge of Allegiance”.

**Corrections to the Minutes** for the April 24, 2013 Planning Board Meeting: on page 3, bullet point beginning ‘Mr. Kutter explained ...’ change ‘small lots’ to **‘large agricultural parcels’** and ‘couldn’t be broken up and to preserve agricultural /farmland’ to ‘couldn’t be broken up **into building lots** and to preserve agricultural/farmland.

**A MOTION TO APPROVE** the corrected Minutes for the April 24, 2013 Planning Board Meeting was made by Chairman Schneider, second to motion was made by Richard Kutter.  
**ALL AYES—MOTION CARRIED.**

**Public Hearing**

**Jenny Worthington**

827 Genesee St., Town of Pembroke  
(Tax Map #22.-1-22.22; Zoning District AG/R)  
Application #13.03.03

Request for a **SPECIAL USE PERMIT for HOME OCCUPATION**  
*Requires Genesee Country Recommendation*

**PUBLIC HEARING** opened at 7:32pm. The Notice of Public Hearing appeared in the Batavia Daily News May 9, 2013, an Affidavit of Posting was posted on the Town’s bulletin board and letters were sent to neighboring properties.

- Ms. Worthington wishes to conduct her flower business from her home.
- Detailed site plan submitted.
- Genesee County Planning recommended approval with signage modifications.
- Zoning Board of Appeals approved a sign variance for two signs: one near road and the other near the entrance of the house, each sign not to exceed 4 sq. ft.

- Ms. Worthington confirmed that both signs would be 10 feet from the right of way.
- Ms. Worthington said that everything will be done within her home, mostly in her basement with a consultation/seating area for customers in the main part of the house.
- She doesn't grow any of the flowers she uses; she picks them up or has them delivered.
- She doesn't have any employees.
- Chairman Schneider said there were no letters of objections received.
- Ms. Worthington said that she had spoken to her neighbors and they had no objections.
- Board agreed that it fit the definition of a Home Occupation.

**PUBLIC PARTICIPATION**—Ms. Worthington was present. No other public participation.

On **MOTION** made by Mr. Kutter, and seconded by Ms. Rindell, the Public Hearing was **CLOSED** at 7:38 pm.  
**ALL AYES—MOTION CARRIED.**

On **MOTION** made by Mr. Knupfer, and seconded by Mr. Kutter to make a **negative declaration on the SEQR short form.**

**ROLL CALL VOTE** Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

**ALL AYES-MOTION CARRIED**

On **MOTION** made by Chairman Schneider, and seconded by Mr. Rindell to **APPROVE the Site Plan and the Special Use Permit for Home Occupation.**

**RESTRICTIONS:** Signs must be 10 feet from the right-of-way, and business must follow Home Occupation laws.

**ROLL CALL VOTE:** Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

**ALL AYES-MOTION CARRIED**

**PLANNING BOARD DECISION: APPROVAL WITH RESTRICTIONS**

**INFORMATIONAL  
ON SITE PLAN FOR PROPOSED EXPANSION**

**Yancey's Fancy**  
857 Main Rd.

(Tax Map #14.-2-24.21; Zoning District: Interchange)

- Representatives from Yancey's Fancy were Wayne Henry, President, and Brian Bailey, VP of Operations.
- Mr. Henry shared some information on the company and what it has been up to:
  - ❖ Company has grown substantially. Today in the plant at 857 Main Road, Corfu they make 40 different flavors and types of cheese in a limited space. Over the last 5 years sales have gone up 2 ½ times in the middle of a recession. The company has gone national, selling in every state, and has hired 70 people. It currently has 130 people on payroll.
  - ❖ Revenue is in the mid 30 million.
  - ❖ Buys locally wherever possible: milk from Upstate Niagara Cooperative; ingredients, labels, etc.
  - ❖ Told that in the community they are the largest employer.

- ❖ Sponsor events (i.e. Sabres and The Finger lakes Wine Festival at Watkins Glen where they took attendance from 10,000 to 35,000 last year).
- ❖ They appreciate the support they have received locally, including from the Town Board and the Genesee County Economic Development Center, so the company has been able to continue on and become something that Western New York can be proud of.
- ❖ Everything they have said they would do they have done ahead of schedule.
- ❖ They never make promises that help get the Company what it wants without giving back.
- ❖ Part of the reason for wanting a new facility is a capacity issue, and part is the ability to incubate new products and reduce outsourcing.
- Mr. Kutter mentioned that when Yancey's Fancy took over from Kutter's there were 30 employees and now there are 130.
- Brian Bailey further explained why they want to expand, what they are up against, offered measurements and visuals:
  - ❖ The current facility has reached full capacity and the company has had to say 'no' to some business (last year about one million dollars' worth). There is the potential for future business with Kroger and Safeway, but the present facility could not deliver.
  - ❖ Mr. Bailey presented site plan diagram.
  - ❖ Wish to move process cheese department to give room for up to 4-5 more lines.
  - ❖ Distribution center currently in Batavia is too small. The proposed expansion would bring it back, while still maintaining a building for aging in Batavia, which will reduce the amount of trucks needing to go back and forth from numerous times a day to two a week.
  - ❖ The proposed rendition has offices, dry storage, processing, cooling, washing, packaging, and cold storage.
  - ❖ Cheese aging will probably be a later construction.
  - ❖ The design of the proposed facility would reflect the Kutter tradition with its roots in Bavaria, so that it doesn't look quite like a big box.
- Chairman Schneider mentioned that the ZBA had granted a variance for the milk tower last year.
- They know that they will be back for several variances: i.e. tower upgrades, replacing silos.
- They will need more power, and have started to work with National Grid for grants.
- They would like to put in reverse osmosis, which would concentrate the whey and make it more marketable. High pressure filtration would polish and sterilize the water so it can be reused in the plant.
- Sewer Project 18 months late, but is taken care of.
- Design person is beginning to map things out.
- Another issue is regarding the wetland, as the definition has been expanded at the Federal level.
- Would like to present plan all at once, but may not be able to. They are taking issues down one by one and want to keep an open dialogue with the Town as they progress with their plans.

## **SPECIAL USE PERMIT**

**Ryan Young**

510 Knapp Rd., Town of Pembroke  
 (Tax Map #14.-1-11; Zoning District AG/R)  
 (Public Hearing held 4/24/2013)

- Mr. Young is requesting a Special Use Permit for a Home Occupation for retriever training.
- Chairman Schneider hasn't heard from Mr. Young regarding whether his purchase of the property has gone through.
- The Planning Board will have to act on his application in the next month (62 days from Public Hearing).

- He was sent a letter on the Planning Board Meeting change to May 22<sup>nd</sup>.
- Chairman Schneider will contact him to find out exactly what's going on.

**PLANNING BOARD DECISION: PUT ON HOLD UNTIL NEXT MONTH'S MEETING**

**Public Hearing**

**Zachary Cerasani**

8265 Marble Rd., Town of Pembroke

(Tax Map # 14.-2-2)

Application # 13-04-03

Informational for **SPECIAL USE PERMIT**

**PUBLIC HEARING** opened at 8:16pm. The Notice of Public Hearing appeared in the Batavia Daily News May 15, 2013, an Affidavit of Posting was posted on the Town's bulletin board and letters were sent to neighboring properties.

- Mr. Cerasani was present at the meeting.
- Mr. Cerasani is requesting a Special Use Permit to build a larger garage by adding to the existing structure.
- Site plan submitted but Mr. Cerasani is still uncertain as to size, which will decide whether or not he needs to get a side yard variance from the ZBA. The existing garage is currently out of compliance.
- Whether or not Mr. Cerasani enlarges his garage, one of the questions for the board is whether his business is home based.
- He will be using the expanded garage mostly for personal use, but will be storing some business supplies/equipment.
- There is public concern on the construction of a metal building/pole barn/one out of keeping with the neighborhood – that the area remains agricultural/residential. Zoning law does allow for home based businesses that don't appear to be businesses.
- Mr. Cerasani's plans are for a conventional residential two-car garage.
- Mr. Cerasani has no plans for signage, although one small sign is allowed with a Home Occupation.
- Having the larger building will actually allow Mr. Cerasani to store inside business related equipment that is now outside.
- Zoning Officer Shellye Dale-Hall suggested that, although the size of the expanded building has not yet been determined, the Planning Board review the site plan to avoid the need for modification of the Special Use Permit in the future.
- Chairman Schneider said that the Planning Board could approve the site plan for the potential storage of materials related to Mr. Cerasani's business. Home Occupation allows 500 sq. ft. usage for business purposes, whether it is an old or new building.
- Mr. Cerasani can always reconfigure the building for the ZBA. He should let the ZBA know whether he will be at the next meeting with a revised site plan.

**PUBLIC PARTICIPATION**—Mr. Cerasani was present. There was public participation.

On **MOTION** made by Mr. Kutter, and seconded by Ms. Schneider, the Public Hearing was **CLOSED** at 8:30pm.

**ALL AYES—MOTION CARRIED.**

On **MOTION** made by Mr. Bakos, and seconded by Ms. Rindell to make a **negative declaration on the SEQR short form.**

**ROLL CALL VOTE** Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

**ALL AYES-MOTION CARRIED**

On **MOTION** made by Ms. Rindell, and seconded by Mr. Kutter to **APPROVE the Special Use Permit for Home Occupation.**

**RESTRICTIONS: Maintain the Home Occupation within the allowed maximum of 500 sq. ft., and make every attempt to store business supplies inside.**

**ROLL CALL VOTE:** Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

**ALL AYES-MOTION CARRIED**

**PLANNING BOARD DECISION: APPROVAL OF SPECIAL USE PERMIT WITH RESTRICTIONS**

**INFORMATIONAL:**

**Tambe Electric Corporation, Mike Russell**

1939 Genesee St.

(Tax Map #24.-1-23.2; Zoning District: AG)

**POSSIBLE CONSTRUCTION OF  
6 BAY POLE BARN WITH SMALL OFFICE**

- Mr. Russell, Vice President and General Superintendent, of Tambe was present.
- Tambe Electric is considering the purchase of a piece of property at 1939 Genesee St. to install a 6 bay pole barn with a small office.
- A detailed site plan was submitted.
- Currently there is an old barn on the property with a shop at the back. The owner of the house in front is the seller of the property Tambe is interested in. There is an access road.
- Mr. Russell approached the ZBA a few months ago, calling the proposal a contractor's yard which is not allowed in AG/RES.
- Tambe, based in Victor NY, has 150 employees, and are growing the department of their Aerial division that installs fiber and cable for T-W cable and T-W telecom.
- The company has been growing in the Buffalo and Batavia markets, which is why it is looking to build a satellite office in Pembroke. Approximately 20 employees live in and around the Pembroke area.
- The growth of the business has created the need for more flex space.
- The new building would include 1200 sq. ft. of office space and 6 truck bays at 4300 sq. ft.
- There would also be a fenced yard to the left of the building.
- 90% of the equipment would be stored inside.
- Chairman Schneider asked what the plans were for the barn already on the property.
- Zoning Officer Shellye Dale-Hall had heard there was someone living in the barn, which if so was not legally done. Mr. Russell said that, to his knowledge, no one was living there at this time.
- Board discussed the need to come up with a definition of what this business actually is.
- Suggestion made of re-zoning the property, in terms of connecting it to other neighboring industrial areas. Two residential parcels in the area could cause some problems to such a re-zoning.
- County will probably turn it down.

- Nothing to prevent the Planning Board from having a public hearing, tabling it with 62 days to reopen, giving time for the Town Board to change some wording to allow Tambe to get the Special Use Permit.
- Suggested that Mr. Russell put in a Special Use Application for next month's Planning Board Meeting, which has to go to county by June 5<sup>th</sup>.
- County will need the proposed facility to be called something: i.e. Electrical Wiring Truck Storage.

**ABANDONED SPECIAL USE PERMIT**

**Bernice Farnsworth**  
 7978 Hopkins Rd.  
 (Tax Map #8.1-11.211)

- Ms. Farnsworth has confirmed by letter that she is no longer conducting her costume rental business.

On **MOTION** made by Mr. Schneider, and seconded by Mr. Cima to **RESCIND the Special Use Permit for Home Occupation.**

**ROLL CALL VOTE:** Chairman Schneider-Aye; Ms. Rindell-Aye; Mr. Bakos-Aye, Mr. Kutter-Aye; Mr. Cima-Aye; Mr. Knupfer-Aye.

**ALL AYES-MOTION CARRIED**

**PLANNING BOARD DECISION: SPECIAL USE PERMIT RESCINDED**

**DISCUSSION:** None

**NEW BUSINESS:**

- Chairman Schneider is concerned at having a forum at the Zoning Board Review.
- Mr. Kutter will replace Mr. Knupfer.

**OLD BUSINESS:** RC Pulsers

- Mr. Knupfer said he had gone over to the area a few times and didn't see any problem.
- Chairman Schneider said that most of the planes are electric, which are quiet; they fly a few gas powered which they are trying to phase out.
- Planning Board need to review only if RC Pulsers request one.
- They are in compliance.

A **MOTION** to adjourn the meeting was made by Mr. Kutter, and seconded by Mr. Schneider.

**ALL AYES—MOTION CARRIED**

Meeting Closed at 8:58 pm.

Respectfully Submitted,

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Diane M. Denton  
 Acting Recording Secretary  
 Thomas Schneider Chairman

*These minutes are a draft only, subject to revision and or change prior to approval by the Town of Pembroke Planning Board.*